IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

MFA.No. 73 of 1997()

MVOP.3070/1993 of MACT, IRINJALAKUDA
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APPELLANT - PETITIONER:

GOPIDASAN, S/O. SUBRAMANIAN,
NELLIPARAMBIL HOUSE, MOOTHRATHIKKARA,
P.O., PARAPPOOKARA, THRISSUR DISTRICT.

BY ADV. SRI T.G.SUNIL
SRI.T.G.SUNIL (PRANAVAM)

RESPONDENTS - RESPONDENTS:
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1. **HAMEED ROWTHER, S/O. PAREED ROWTHER,**
PADINJARE VATTATHILL HOUSE, PETTA
MUVATTUPUZHA.

2. **MOHAMMED, S/O. ENATHI, PARAPPAT HOUSE,**
PERUMATTOM KARA, VELLURKUNNU VILLAGE,
MUVATTUPUZHA TALUK.

3. **THE NATIONAL INSURANCE CO. LTD.,**
PERUMBAVOOR.

4. **P.K. KUMARAN NAIR, S/O. NARAYANAN NAIR,**
PARAPARAMBATH HOUSE, MOOTHRATHIKKARA
P.O., PARAPPOOKARA.F

5. **SUBRAMANIAN, S/O. ACHUTHAN, KOODAPARAMBIL**
HOUSE, MOOTHRATHIKKARA, P.O. PARAPPOOKKARA,
THRISSUR DISTRICT.

6. **THE UNITED INDIA INSURANCE CO. LTD.,**
IRINJALAKUDA.

BY ADV. SRI.JOHNSON P.JOHN

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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M.F.A. NO. 73 OF 1997

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Dated this the 26th day of October, 2007

J U D G M E N T

Claimant in O.P(MV) No.3070 of 1993 on the file of the Motor Accidents Claims Tribunal, Irinjalakuda, is the appellant. Appellant sustained injuries in a motor vehicle accident which took place on 4.5.1991. He filed the petition claiming Rs.22,000/- as compensation. It was alleged that the accident occurred due to the negligence of the 5th respondent.

2. Insurer admitted existence of the policy, but denied the negligence alleged. Owner and driver appeared and filed a joint written statement disputing the negligence alleged against the 5th respondent and also the quantum of compensation claimed. Tribunal found that the accident occurred due to the negligence of the 5th respondent, driver of the Autorikshaw and awarded compensation. Complaining that the compensation awarded is inadequate, petitioner himself had filed this appeal.

3. The only question arising for consideration is

whether the appellant is entitled to any additional compensation.

4. Appellant sustained some minor abrasions and contusions on the body and a lacerated wound on the forehead. Considering all aspects of the matter, I am of the view that the Tribunal ought to have awarded Rs.4,000/- more as compensation on all counts together. Hence the appellant is entitled to get Rs.4,000/- more as compensation.

In the result, the appeal is allowed in part. An award is passed in favour of the appellant allowing him to recover an additional compensation of Rs.4,000/- with 6% interest from the date of petition till date of realisation. The 6th respondent is directed to deposit that amount also. On deposit, appellant can withdraw the entire amount.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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M.F.A. NO. 73 OF 1997

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J U D G M E N T

26TH OCTOBER, 2007